

## MEMORANDUM

Agenda Item No. 7 (B)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

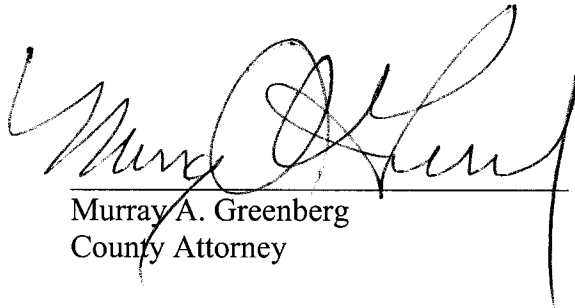
(Second Reading 05-09-06)  
**DATE:** March 7, 2006

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Ordinance amending  
Section 2-8.1.2 of the Code  
making applicable to the  
Public Health Trust  
drug-free workplace  
requirements for  
contractors and entities  
transacting business with  
Miami-Dade County

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The accompanying ordinance was prepared and placed on the agenda at the request of  
Commissioner Dorrin D. Rolle.

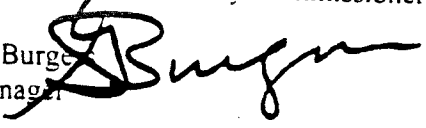


Murray A. Greenberg  
County Attorney

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# Memorandum



**Date:** May 9, 2006  
**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners  
**From:** George M. Burge   
County Manager  
**Subject:** Ordinance Amending Section 2-8.1.2 of the Code of Miami-Dade County

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This proposed ordinance amending Section 2-8.1.2 to make the drug free workplace requirements applicable to contractors and entities contracting with County agencies, including the Public Health Trust, will not have a fiscal impact to the County.

  
Assistant County Manager

Fiscal00406



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** May 9, 2006

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No. 7(B)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 7(B)

05-09-06

**ORDINANCE NO.** \_\_\_\_\_

**ORDINANCE AMENDING SECTION 2-8.1.2 OF THE  
CODE OF MIAMI-DADE COUNTY TO MAKE THE DRUG-  
FREE WORKPLACE REQUIREMENTS THEREOF  
APPLICABLE TO CONTRACTORS AND ENTITIES  
CONTRACTING WITH COUNTY AGENCIES AND  
INSTRUMENTALITIES, INCLUDING THE PUBLIC  
HEALTH TRUST; PROVIDING SEVERABILITY,  
INCLUSION IN CODE AND EFFECTIVE DATE**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 2-8.1.2 of the Code of Miami-Dade County, Florida, is hereby  
amended as follows:<sup>1</sup>

**Sec. 2-8.1.2. Drug-free workplace requirements for  
contractors and entities transacting  
business with Miami-Dade County.**

(a) Legislative findings and purpose. The County Commission recognizes that substance abuse is a complex societal problem that continues to threaten the welfare of our residents and community as a whole. The Commission considers substance abuse on the job to be an unsafe and counterproductive work practice. A substance abusing employee is absent from the workplace four (4) to five (5) times more often, has three (3) times more accidents and four (4) times more hospitalization costs than a nonabusing employee. Consistent with its policy to promote a safe work environment and encourage personal health for all Miami-Dade Countians, the Commission finds it necessary to combat substance abuse in the workplace by promoting education and awareness. Consistent with the Drug Free

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<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are not in effect and remain unchanged.

Workplace Act of 1988 and with the drug-free workplace requirements applicable to workplaces of County employees, the County Commission wishes to adopt the following drug-free workplace requirements for persons and entities contracting or conducting business transactions with >>any agency or instrumentality of<<Miami-Dade County, >>including the Public Health Trust<<. The ultimate goal of this policy is to balance the respect for individual privacy with the need to keep a safe, productive, and drug-free workplace.

(b) Condition of award. No person or entity shall be awarded or receive a County contract for public improvements, procurement of goods or services (including professional services) or a County lease, franchise, concession or management agreement, or shall receive a grant of County monies unless such person or entity make it a condition of award that it will provide a drug-free workplace by:

(1) Providing a written statement to each employee notifying such employee that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance as defined by Section 893.02(4) Florida Statutes, as the same may be amended from time to time, in the person's or entity's workplace is prohibited and specifying the actions that will be taken against employees for violation of such prohibition. Such written statement shall inform employees about:

- (i) The dangers of drug abuse in the workplace;
- (ii) The person's or entity's policy of maintaining a drug-free environment at all its workplaces, including but not limited to all locations where employees perform any task relating to any portion of such contract, business transaction or grant;
- (iii) Any available drug counseling, rehabilitation, and employee assistance programs; and
- (iv) The penalties that may be imposed upon employees for drug abuse violations.

(2) Requiring the employee to sign a copy of such written statement to acknowledge his or her receipt of same and advice as to the specifics of such policy. Such person or entity shall retain the statements signed by its employees. Such person or entity shall also post in a prominent place at all of its workplaces a written statement of its policy containing the foregoing elements (i) through (iv);

(3) Notifying the employee in the statement required by subsection (1), that as a condition of employment the employee will:

- (i) Abide by the terms of the statement; and
- (ii) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such a conviction;

(4) Notifying the County within ten (10) days after receiving notice under subsection (3) from an employee or otherwise receiving actual notice of such conviction;

\* \* \*

(d) Applicability.

(1) The provisions of this section shall not apply to contracts or business transactions which have been advertised, or to grants which have been approved prior to the effective date of this section.

(2) The provisions of this section shall not apply if the special characteristics of the product or service offered by a firm make it necessary for the operation of the County; or for the health, safety, welfare, economic benefits or well being of the public. In those instances, the County Manager shall, within thirty (30) days, report to the Board of County Commissioners the circumstances of such waivers in writing. The County Manager or his designee shall develop administrative procedures to implement this report.

(3) Contracts involving funding which is provided, in whole or in part, by the United States or the State of Florida shall be exempted from the provisions of those instances where restrictions provided herein are in conflict with the requirements of these governmental entities.

>>(4) Miami-Dade County agencies and instrumentalities with the independent power to contract, such as the Public Health Trust, shall adopt rules and procedures implementing this Section. For the purposes of such rules and procedures, where this section provides the Board of County Commissioners with implementing authority, the Board of Trustees shall exercise such authority, and where this section provides the County Manager with authority, the President or Executive Director shall exercise such authority.<<

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Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained, that the provisions of this ordinance shall become and be made a part of the Code of Miami-Dade County, Florida.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Jack P. Hartog

Sponsored by Commissioner Dorrin D. Rolle